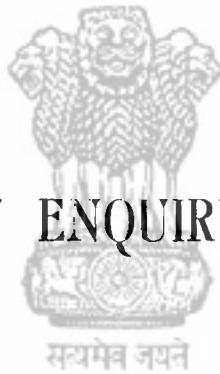




REPORT
OF THE
PROHIBITION ENQUIRY COMMITTEE



GOVERNMENT OF ORISSA
REVENUE (EXCISE) DEPARTMENT

**REPORT OF THE
PROHIBITION ENQUIRY COMMITTEE, ORISSA
1960-61**



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CHAPTER I

Introduction

Appointment of Committee and terms of reference—The Prohibition Enquiry Committee was appointed by the State Government in pursuance of Resolution No. 31973-R., Government of Orissa, Revenue Department, dated the 19th July 1960. It was stated in the resolution that with a view to the fulfilment of the objective of prohibition it is considered desirable to review the experience gained and devise ways and means to meet the problems and difficulties faced by the administration. The Committee consisted of the following :—

1. Chairman—Padmabhusan Dr. P. K. Parija, I. E. S. (Retd.)
2. Shri Sadhu Charan Mohanty, B. A., B. L.
3. Dr. Kasinath Mishra, retired Civil Surgeon
4. Shri V. Sitaramaya, B. L., Chairman, State Khadi Board
5. Shri Raghunath Patnaik, B. L.

Officials

6. Member, Board of Revenue, Orissa, Cuttack

The Excise Deputy Commissioner was asked to work as the Secretary of the Committee. Due to the resignation of Shri Sadhu Charan Mohanty, Government in their Resolution No. 37572—IEX-36/60-R., dated the 30th August 1960, appointed Shri R. Jagannath Rao, M. P., as a member.

The terms of reference of the Committee were as follows :—

- (a) To examine the present arrangement for the prohibition of liquor in the districts of Cuttack, Puri, Balasore, Ganjam and Koraput and assess the extent of success of these measures in achieving the objective laid down in Article 47 of the Constitution.
- (b) To examine the Prohibition Act and the Rules thereunder to assess how far the procedure contemplated under the Act and the Rules thereunder will help in achieving the objective laid down in Article 47 of the Constitution.

- (c) To assess and analyse the practical difficulties—administrative, economic, social and others which stand in the way of implementing in full and expeditiously the directive in Article 47 of the Constitution and suggest the method of approach which will be realistic and will also enable us to proceed towards the policy enunciated in the directive in Article 47 of the Constitution.
- (d) To make recommendations regarding the desirability of extending prohibition to other districts of the State and to indicate the manner and stages in which and the agency through which the programme should be implemented.
- (e) To examine the problem of de-addiction of opium addicts and recommend the steps necessary to achieve the same and whether any class of addicts should be exempted from this for any consideration.
- (f) To make such other consequential recommendations as the Committee may think necessary along with an indication of the financial consequences of their recommendations.

Procedure of enquiry—The first meeting of the Committee was held at Cuttack, its headquarters, on the 24th August 1960. It was exploratory in character and the general line of work and procedure were settled. A questionnaire was approved by the Committee and was printed in Oriya and English and issued to Ministers, M. Ps. and M. L. As. of the State, eminent lawyers, Doctors, Social workers and Institutions, Officials and Sarpanches of 691 Grama Panchayats among others. One month's time was given for replies but it was extended by another month. On the whole 101 replies were received from M. Ps., M. L. As., Lawyers, Doctors, Public persons, Officials and Sarpanches.

Tours—The Committee visited the prohibition districts of Ganjam, Puri, Balasore, Koraput and the adjoining wet districts of Dhenkanal and Mayurbhanj to record evidence from non-officials and officials. Besides, they met at Cuttack on five occasions to record evidence from officials and non-officials, both local and from outlying districts.

CHAPTER II

Background of the Prohibition policy and the different stages in which it has been introduced in the State

Historical background that led to the introduction of Prohibition—
In India from very early times, the excessive consumption of alcoholic drinks and intoxicating drugs has been generally looked upon with disfavour and an addict was not respected in society. The State did not regulate the trade in liquor. It had no Excise policy and no Excise administration. The State did not aim to obtain revenue by selling intoxicating drink or drug. But during the time of the East India Company and their successor, the British Government, some of the richer classes began to adopt the customs and manners of the foreigners including drinking of costly wines and liquor. The cheaper indigenous liquor was considered suitable only for general use by the very poor class of people and if it was used by others it was used rarely and only in rituals by small groups who did not find favour with the rest of the community. It was only when the revenue-yielding value of indigenous liquor was recognised by the State, there was a steady rise in the consumption of liquor. Liquor flourished practically under Government patronage.

The foreign Government was interested in raising excise revenue and was not making any effort in checking the deterioration in public morals, although there was agitation by public workers. The Excise policy of the Government was aimed at raising the maximum revenue. Even in England, in the British Parliament a resolution was moved against the Excise policy of the Government of India. This led to the appointment of Indian Excise Committee (1905-06) which observed after enquiry that “the consumption of all classes of foreign liquor has considerably increased * * * * the consumption of Tari unless properly controlled is liable to give to much drunkenness * * * the consumption of country beers is causing much drunkenness in certain areas and beers manufactured are sometimes very deleterious”.

The general lines of Excise policy for the guidance of local Government were enunciated by the Government of India in their Resolution No. 5001-Ex-C, dated the 7th September 1905, as below:—

“The Government of India have no desire to interfere with the habits of those who use alcohol in moderation and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy however

is to minimise temptation to those who do not drink and to discourage excess among those who do, and to a furtherance of this policy, all consideration of revenue must be absolutely subordinated.”

Spread of drink habit—The extent to which the drink habit increased in India can be seen from the fact that in the year 1875-76 the import of foreign liquor to India amounted to seven lakh gallons, while in the year 1904-05 it was thirteen lakh gallons and in 1927-28 it rose to sixty-two lakh gallons. The excise revenue of the country rose from rupees two crores in 1861 to rupees seventy-five crores in 1937.

Temperance movement—The movement against the use of intoxicants gained strength after 1920 when the Indian National Congress accepted it as a programme.

There was public demand for the abolition of liquor and drug shops. In 1925 the Central Legislature passed a resolution commending prohibition. The all-parties convention in Calcutta in December 1928, which had met for drafting a Constitution for Independent India incorporated in the Constitution the following clause :—

“It shall be the duty of the Common-wealth to save its citizens from the evil and temptations of alcoholic liquor and intoxicating drugs and it shall as soon as possible after the establishment of the Common-wealth Government make laws for the total prohibition of manufacture, import, possession or sale of alcoholic liquor and intoxicating drugs except for medicinal or industrial purposes.”

Mahatma Gandhi made prohibition one of the most important items of his constructive programme. The Indian National Congress in 1931 adopted the following clause in its bill of rights :—

“Intoxicating drinks and drugs shall be totally prohibited except for medicinal purposes.”

With the inauguration of Provincial Autonomy in April 1937, Congress Ministry assumed office in the Provinces and started implementing the policy of prohibition in selected areas between 1937 and 1939. Six Provinces including Bombay, Madras, Central Provinces & Berar, Orissa and the North-West Frontier Province enforced prohibition in selected areas. Salem district in Madras was the first to be declared dry on the 1st October 1937 and in Orissa, Opium prohibition was introduced in the district of Balasore in October 1938. The Second World War came in 1939 and there was a set-back. But again when popular Ministries came in 1946, the prohibition programme came to the forefront.

Constitutional Provisions—In the Constitution of India, Article 47 specifically provides prohibition as one of the Directive Principles of the State policy which runs as follows:—

“The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health.”

Article 37 of the Constitution clarifies how the Directive Principles should be observed:—It states—

“the provisions contained in this part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

Hence some of the States have endeavoured to introduce prohibition and our State has taken steps in this direction.

How prohibition has been introduced in different stages—Prohibition was first introduced in the State in respect of opium. It was introduced in the district of Balasore in the year 1938 as opium consumption was the highest there. With regard to prohibition of liquor, Tari and Pachwai, it was first introduced in sixteen police-stations of Cuttack, six police-stations of Balasore and twelve police-stations of Puri districts in the year 1947-48. Then it was gradually extended to other areas of these districts and by the end of the year 1955-56, the entire districts of Cuttack, Puri and Balasore except the ex-State areas were declared dry. With effect from the 1st April 1956, prohibition was extended to the ex-State areas attached to these districts and to the entire districts of Ganjam and Koraput. In this connection, two interesting facts may be mentioned. Before the merger of the States on the 1st January 1948, the Feudatory State of Badamba was dry. The Ruler there did not allow any liquor or Tari shops and prohibited the use of intoxicating drinks by his subjects in the State.

In Khondmals, the Sadar subdivision of the present Boudh-Phulbani district, which is mainly inhabited by the Khonds, there was too much drinking and indebtedness. At one time the Khonds decided to abandon the use of alcohol provided the country spirit shops in Khondmals, then functioning, were closed. Accordingly a report was sent to the Board of Revenue, Bengal, Bihar and Orissa

at Calcutta to agree to co-operate with the local officers to help the tribals and as a result in order No. 234-T.S.R. of the Government of Bengal, Finance Department, dated the 2nd July 1910, all country spirit shops in the subdivision were abolished experimentally and that co-operation of Khond Headmen was required in reporting and stopping illicit practices. This system has been continuing there and even now there are no licensed shops and prosecution is being launched for illicit distillation or for possession and sale of I. D. liquor.

*The existing law by which prohibition has been introduced—*Prohibition has been introduced in the State not under a Prohibition Act, but under the Bihar and Orissa Excise Act, 1915. A notification has been issued by the State Government prohibiting possession, by all persons in the whole of the districts of Cuttack, Puri, Balasore, Ganjam and Koraput of country spirit, Tari and Pachwai provided that the Scheduled Tribes in these districts where such tribes inhabit may enjoy the concession of free home-brewing, and any persons within the prohibited areas may possess foreign liquor in accordance with the permission issued by the Collector.

*Extent of prohibition and loss of revenue—*Out of the total area of 60,136 square miles of the State, 25,350 square miles are under prohibition. The percentage of the dry to the whole area of the State comes to 42·15. The total population of the State is 14,645,946 out of this 8,101,991 are in the prohibition districts. The percentage comes to 55·34.

As a result of the implementation of prohibition policy in the State there has been an annual loss of revenue of about one crore and thirty lakhs.

CHAPTER III

Summary of evidence recorded and replies received to the questionnaire

1. *Necessity for prohibition*—The large majority of opinion is that prohibition of alcoholic drinks and intoxicating drugs is necessary to prevent the people of lower economic classes from wasting their earnings. It is also necessary as the use of such intoxicants is not only injurious to health but also bad from social, moral and ethical points of view.

Tari, Salap and such drinks with low alcoholic contents have some food value. But if taken in large quantities they are injurious to health. It has been seen that some people with small income take a lot of these drinks and waste their earnings and suffer deterioration in health and capacity for work. It is also very doubtful if these drinks can be taken in reasonable quantities always because these are habit-forming and the quantity gradually increases. Alcoholic drinks in any quantity or in any form is undesirable.

Article 47 of the Constitution should be interpreted to mean total prohibition, because it means prohibition of consumption of intoxicating drinks and drugs which are injurious to health, except for medicinal purposes.

A small section however is of the opinion that drinks with low alcoholic content like Tari, Salap and Pachwai and imported liquor like beer, etc., if taken in reasonable quantity, is good in certain health conditions. There is another opinion that prohibition cannot be adopted as a State-policy as it is not possible to implement it successfully due to practical difficulties.

2. *How the present prohibition scheme is being enforced in the five districts*—Prohibition was introduced in the three districts of Puri, Cuttack and Balasore in stages, but in Ganjam and Koraput in one stage. All liquor, Tari and Pachwai shops in these districts have been closed, and possession or sale of liquor and Tari have been prohibited. However, possession of Pachwai by the Adivasis within a prescribed limit has been allowed. But drinking itself has not been made an offence, which means, any person found drunk in the street or anywhere cannot be booked since he is not in possession of liquor externally but internally in his stomach. This is working as a great handicap for the effective implementation of the programme. The concession granted to the Adivasis for manufacture and possession of Pachwai (brewed rice), pendum (brewed ragi) for domestic consumption and ceremonial use up to a quantity of 8 seers undiluted or 20 seers diluted appears to be too large and

this may be reduced to the minimum. Prohibition of Tari has been on the whole effective, because the opportunities for committing offences are few for obvious reasons. The owners of trees are generally not addicted to drink and moreover the trees have to be tapped in the open. It is not a closed-door business, which makes detection easy. Further, the Orissa Rajya Talgur Samabaya Sangh have been teaching the local persons how to use sweet juice of date-palm either for the manufacture of *gur* or for its sale as such, which also gives alternative-employment to some ex-Tari tappers.

Propaganda for prohibition by a handful of official workers under the Publicity Department is quite ineffective and does not serve any purpose. Due to the abolition of the licensed shops both in the urban and rural areas there was temporary decline in drinking but gradually illicit distillation took place, along with the growth of dens for the sale of illicit liquor in towns and rural areas. Addicts gave up the habit due to non-supply of liquor but later on when supply was in plenty and available in several places, against the few licensed shops situated at distances previously, the habit is growing and drinking is on the increase. Formerly licensed shops were at the outskirts of the towns and villagers and people were feeling shy to go to these shops since they wanted to go there unnoticed. But due to availability of illicit liquor at hand, the number of addicts has increased and drinking is spreading even to women and children in some areas.

In place of one licensed shop abolished in a town, scores of unlicensed places of vend have come up.

The majority opinion is that addicts of liquor have increased after prohibition. But there should be no going back. Going back would be a derogatory step and it will nullify the efforts made so far. Rather prohibition law should be made very stringent and should be strictly enforced. From the evidence it appears that the public are alive to the fact that by mere law prohibition cannot be enforced, what is required for its success is intensive non-official efforts, supported by a strong public opinion. As mentioned before, the existing propaganda for prohibition through a few official workers is extremely inadequate and ineffective. Prohibition is to be taken as a co-operative effort between officials administering the law and public opinion producing the necessary climate for enforcement. This is essentially a social and human problem. Hence the emphasis in enforcement should be shifted from mere detection and punishment to education.

3. *The Orissa Prohibition Act, 1956 should be enforced strictly—* There appears to be no defect in the law, but the difficulty is with regard to its enforcement. The officers who are given the responsibility for enforcement should faithfully and sincerely discharge

their duties according to the Act and Rules. This Act should be enforced strictly and it is bound to produce good results. There must be adequate public support. No Act can be enforced without public co-operation.

4. *The policy of maximum revenue and minimum consumption*—It is not a workable policy since the intoxicants are habit-forming and the demand for them goes on expanding. Particularly with the existing auction system and the vendors holding shops for profit, it is impossible to check the rise in consumption, as the vendors will make profit in proportion to the volume of sale.

5. *Section 16 of the Orissa Prohibition Act, 1956, whether desirable or not*—Some are of the opinion that section 16 of the Orissa Prohibition Act, 1956, which reads as follows:—

“Any officer exercising powers under this Act or under the Rules made thereunder who,—

- (a) without reasonable ground of suspicion searches or causes to be searched any place, conveyance or vessel;
- (b) vexatiously and unnecessarily detains, searches or arrests any person;
- (c) vexatiously and unnecessarily seizes the movable property of any person on pretence of seizing or searching for any article liable to confiscation under this Act;
- (d) commits, as such officer, any other act to the injury of any person, without having reason to believe that such act is required for the execution of his duty;

shall for every such offence, be punishable with fine which may extend to two thousand rupees”,
is likely to prevent strong administrative action and this section may be deleted or the punishment may be considerably reduced while others have stated that there is such a provision in the Bihar and Orissa Excise Act, 1915 (Section 61) and thus Section 16 may remain, as it may be deterrent against high-handed action of some unscrupulous officers.

6. *Non-official social work in favour of prohibition*—Prohibition is essentially a social programme. Without public co-operation there is no chance for its success. Adequate non-official propaganda is necessary to educate people. But so far no such thing has been done. Public co-operation is lacking because Government have not seriously sought for it. It will be available if desired. Social work is not wide-spread now. But due to Community Development work and the Grama Panchayats coming to play important roles,

they can be entrusted with propaganda work in favour of prohibition. There are Jubak Sanghas in some villages, which can be put into good use both for propaganda work and for active assistance during raids. The Women and Mahila Samities also can be entrusted with the work, particularly in making house-to-house propaganda in selected areas. Missionary zeal is necessary among such workers. The Municipalities and Notified Area Committees can also assist. Through these institutions public conscience may be roused and implementation may be easy. It will be much better if they are given financial assistance by Government. Mere legislation and strong administration will not deliver the goods. Some have stated that the Grama Panchayats should be given power of search, seizure and arrest for effective implementation of prohibition, while others have greatly hesitated, since in their opinion the Grama Panchayats are in the formative stage and should not be burdened with more powers.

7. *If alcoholic drinks are necessary for people doing hard labour—* There is one opinion that persons doing hard labour may require some alcoholic drinks while others have said that it is better for them to go without such drink. It has been argued that these persons doing hard labour (specially the Nolias of Puri and Ganjam sea coast) do not earn much and they should not be allowed to waste money on liquor. They are drinking because of the availability of the drink near at hand from illicit sources. Some have suggested that people doing hard labour may be provided facilities for tea or coffee.

8. *Difficulties in administering prohibition—* Manufacture of illicit liquor is an easy affair, born out of the natural process of fermentation. The base materials are Mahua flower or molasses which is available easily. Sulphate of ammonia is added for quick fermentation but its presence in liquor due to carelessness makes the liquor poisonous. As the process of fermentation becomes quick, it helps in avoiding detection and the turn-over becomes large. Illicit distillation can be done inside one's own house or in the open fields; in both the cases detection is difficult, in the former, for lack of information and in the latter, because of the easy manner in which the culprits can run away at the sight of the raiding party.

Before prohibition, where there were licensed vendors, they used to give information of illicit distillation and illicit sale of liquor and drugs, in their own interest. They also assisted the Excise staff in raid and in investigation. Through their help unshakeable evidence was forthcoming. Their only interest was to suppress illegal sources so that the sale in shops would go up and with it their profits.

Smuggling of liquor is done sometimes through lepers, boys and women. Courts naturally take a lenient view. During excise raids it is very difficult to get witnesses since nobody wants to take the risk of going against his neighbour and incurring his wrath. Even they are afraid of the local *goonda* elements who are generally friends of the illicit dealers. Even if some persons are persuaded to come as search witnesses they are completely gained over and tell different stories in the law courts to screen the offenders. Undue delay in disposal of cases also discourages witnesses as they do not like to come to court again and again. Cases of opposition by the local people to the raiding party are not rare. There are also cases where enthusiastic persons actively assisted in the raid or detected cases themselves. But they were harassed by the Prohibition-enforcement staff on technical grounds. Hence public apathy is conspicuous in these cases. Illicit distillation and sale of such liquor is wide-spread. But it can be checked if the public and the enforcement staff fully co-operate with each other.

9. *Illicit trade in liquor and opium profitable which leads to corruption*—Illicit liquor trade and illicit opium trade are very profitable and due to the large margin of profits and the nefarious nature of the trade, the illicit dealers are generally corrupting the enforcement staff and a section of the public (their associates, neighbours and in some cases the village Naiks or Headmen and members of the Grama Panchayats) to gain their own ends. Prohibition crime will be checked if drinking is made an offence and cases are tried in the summary procedure and minimum sentences of imprisonment are provided. Some have suggested that whipping also should be provided. Raids on illicit sources by mobile squads will be effective.

There should be provision to penalise the enforcement staff who are found to be either slack or conniving at the prohibition offences. Public opinion, as mentioned before, is now apathetic, but if the law is made strict and enforcement staff are found to be honest and sincere and the cases are disposed of quickly, co-operation from the public will be forthcoming to combat illicit trade. Many of the ex-vendors and their salesmen are in this illicit trade, besides other people. The illicit liquor and opium trade has become an easy profession and gives quick returns. Hence it is now not confined to any particular class; for example the Sundhis were traditionally the liquor-traders whether licit or illicit. But after the enforcement of Prohibition, people of other castes and even in some cases, Brahmins have come in.

10. *Consumption of liquor, Tari, Pachwai and opium after prohibition*—Consumption of country liquor has not gone down after the enforcement of prohibition as it is available easily and the price is not high. But consumption of Tari has appreciably decreased

in the districts of Cuttack, Puri, Balasore and Ganjam. So far as Koraput is concerned the Adivasis are drinking Salap as they were doing before. Consumption of Pachawi has gone down in Balasore district among the non-Adivasis as the licensed shops from which they were drinking have been abolished. The economic condition of Bauris of Puri district particularly and of some low caste people who were wasting money in drinking Tari in rural areas have improved to some extent after they have given up Tari.

11. *Economic justification for prohibition specifically among low-income group*—Prohibition is specially meant for poor people and people with low income. It is argued that the income of this class of people has increased several times during the past five years. So the justification for prohibition on economic grounds is no longer valid. Against this argument there is the simple logic that along with the increase in the rates of wages and scales of pay, etc., the prices of all necessary commodities have gone up to a great extent, thus leaving no margin for unnecessary luxuries and harmful things like intoxicating drink and drug. So the same argument now holds good that the low-income group people should not waste money on intoxication and leave their family to suffer.

12. *Illicit trade in liquor and intoxicating drugs has built up organisation of law-breakers specially in town areas*—It is a fact that prohibition offences are being committed in an organised manner in many places. Such an instance has been reported to us relating to organised sale of liquor in the centre of Cuttack town very near the Police-Station. It is said that the illicit dealer who is the financier and leader of the Gang remains at the back and carries on the trade through hired servants. He has kept *goondas* to suppress evidence and to thwart action by any opposing local element. He has also corrupted the enforcement staff both Police and Excise. It is said that information is sent to him before raids are carried out as eye-washes and so nothing happens. It is stated that he was a man of very small means ten years back but now a man of lakhs. Certainly this sort of lawlessness should be stopped with all the force at the command of the Government. There are also organised illicit shops in other towns specially in Berhampur of Ganjam and Jeypore of Koraput. The administration should seek co-operation from the public and both may go hand in hand to drive away this evil.

13. *Control over Mahua flower and molasses*—Since Mahua flower and molasses are the two main base materials for illicit distillation in the State, it is very necessary that there should be effective control over possession and disposal of these two articles. Suitable provisions may be made in the Prohibition Act.

14. *Controlled supply of liquor is a necessary step towards prohibition*—Under the Excise Act, there is controlled supply but gradually the consumption is increasing and it is difficult to achieve prohibition by this method unless complete prohibition is enforced by the Police and Enforcement staff honestly and rigidly. But some have stated that when prohibition has not been a practicable proposition, it is better to go back on it and open the licensed shops again. Some have said that liquor addicts may be registered through the Grama Panchayats for supply of a quota, through departmental shops. They suggest regulated supply of liquor since prohibition cannot be properly enforced. There is also another opinion that when there was no controlled supply in the beginning of prohibition it will not be proper to do it now. Rather more attention should be paid to effectively enforce prohibition.

15. *Women in favour of prohibition*—Generally women are in favour of prohibition of liquor and drugs except in some Adivasi areas where they also drink Pachwai as it is their community-drink. Even it is reported that drunkard husbands do not like that their wives should get drunk.

It is stated that women can help in the implementation of prohibition by propaganda and persuasion.

16. *The concession regarding home-brewed Pachwai*—The concession of free home-brewing of Pachwai, whether from rice in Mayurbhanj, Keonjhar, Sundargarh, Sambalpur or from Mandia in Koraput, appears to be very liberal and the limit of manufacturing 8 seers undiluted and 20 seers diluted is too large which should be reduced, because the large limit gives scope for the abuse of the concession by illicit sale.

Some have stated that this concession may be withdrawn fully while others have stated that this may be granted only on ceremonial and festive occasions, but not for ordinary domestic use.

It is the majority opinion that there should be no concession to the Adivasis for distillation of liquor whether for domestic consumption or for ceremonial use.

17. *Drinking by the mining and industrial labour*—The labourers in the mining and industrial areas waste money on alcoholic drinks. This is detrimental to their interests on economic, moral and health grounds. Prohibition is necessary in these areas both in the interest of the labourers and in the interest of the industries.

18. *Prohibition in respect of Tari*—Prohibition of Tari has been a considerable success since illicit tapping of Tari has been checked to a great extent in Cuttack, Puri, Balasore and Ganjam

districts. The Orissa Rajya Talgur Samabaya Sangha has been doing useful work in manufacturing *gur* out of sweet date-palm juice and by selling this sweet juice as 'Neera' in selected areas. The volume of work they are doing will be seen from the following figures furnished by the Secretary, Orissa Rajya Talgur Samabaya Sangha for the year 1960-61. The Talgur Sangha worked in 629 villages of Cuttack, Puri, Balasore, Ganjam and Adivasi areas of Ganjam Agency, Dhenkanal and Koraput.

Total number of palm-trees tapped .. 33,850

Licences issued to 1,257 artisans, who produced 15,969 maunds 17 seers palmgur, 5 maunds palm-sugar, 51 lbs. palm-Sandesh and 485 packets of palmgur biscuits, and the following quantities have been sold :—

10,553 gallons of *neera*, 15,777 maunds 22 seers of palmgur, 3 maunds 34 seers of palm-sugar, 25 lbs. of palmgur Sandesh, 21 lbs. of syrup, 207 packets of palmgur biscuits, palmwood articles worth Rs. 412.96 nP. and palm leaf articles worth Rs. 961.07 nP. The total production and total sale value of the products amount to Rs. 3,54,455.94 nP. and Rs. 3,47,622.68 nP. respectively. 1,502 artisans were engaged besides 96 full-time workers. There have been some cases of abuse of *neera* i.e., Tari has been sold in place of manufacture of *gur* from *neera*, because fermentation is an easy process and Tari is more paying than *gur*.

19. *Whether evidence of the prohibition staff in prohibition cases is sufficient to warrant conviction*—Some have stated that conviction should be obtained only on the evidence of the enforcement staff as it has been extremely difficult on the part of the enforcement staff to procure independent search and seizure witnesses. But others have stated that convicting only on the uncorroborated evidence of the detecting staff may go against natural justice.

20. *Award of lenient sentences in prohibition cases*—All have stated that sentences ordinarily are very light and do not work as deterrent against the repetition of offences; that is the reason why persons have been convicted for 2, 3, 4 and 5 times. In many cases of illicit distillation or possession of large quantities of I. D. liquor low fines ranging from Rs. 10 to Rs. 25 have been imposed. Even sentences of fines ranging from Rs. 2 to Rs. 5 are occasionally awarded.

Even in many opium cases where imprisonment is mandatory, sentences of imprisonment till the rising of the Court have been awarded.

21. *Consumption of foreign liquor desirable or not*—The large majority of opinion is that foreign liquor should be prohibited. It has been clearly stated that the rich and influential people and people in high places should not drink as by doing this, they are setting bad examples to others.

Drinking of foreign liquor can only be allowed to *bona fide* foreign tourists. A few witnesses have stated that foreign liquor may be given in limited quantities to registered permit-holders on medical certificates.

22. *Extension of prohibition to other districts*—The large majority of opinion is that prohibition should be extended to non-prohibition districts straight-away as prohibition should be broad-based, without which it is bound to fail. On principle also it is justified. The large majority of opinion is that prohibition should be introduced throughout India at a time as without this the scheme will not get the appropriate moral sanction. Pockets of dry and wet areas do not go well together since smuggling of liquor from wet areas to dry areas is inevitable. Some have however stated that prohibition should first succeed in the existing five districts after which it may be extended to other districts.

23. *Collectors in direct control over prohibition administration*—At present the Additional District Magistrates are looking into the Excise and prohibition work in the districts. With the enforcement of Prohibition Act and the implementation taking a new turn as is envisaged more inter-departmental, co-operation and co-ordination will be necessary between the Prohibition Department, Police Department, Revenue Department and Medical Department for quick and effective enforcement. It will therefore be desirable that the District Prohibition Administration should be under the direct charge of the Collectors and the District Magistrates.

24. *Counter-attractions necessary for the success of prohibition*—Some have stated that counter-attractions are not necessary and prohibition may go on without them, but the majority have said that counter-attractions should be provided in public sector. Government should give financial assistance to Grama Panchayats, Municipalities and Notified Area Committees who may utilise the funds to provide for counter-attractions. Tea and Coffee Clubs, Jatra Parties, Musical performances, reading rooms, etc., may be provided as counter-attractions.

25. *Alternative employment for persons engaged in liquor and Tari trade*—Due to the abolition of liquor and Tari shops persons engaged in this trade have taken up other works. Some Tari tappers have been employed by the Orissa Rajya Talgur Samabaya Sangha. Some liquor vendors and their salesmen have taken recourse of illicit trade in liquor but with the effective implementation of

prohibition this will die out. But some have stated that without alternative employment it will be difficult to wean away the person who have taken to illicit trade as their daily profession.

26. *Provisions of Article 47 is not reflected in the conduct of highly placed persons*—Some of the people in the higher walks of life drink foreign liquor and thereby set a bad example to others. This is going against the prohibition policy, particularly persons in high elective places, Government servants and members of the enforcement staff should not drink liquor and if found drunk, should be severely penalised.

27. *If Excise staff should be engaged in prohibition enforcement*—Excise staff are enforcing prohibition in four districts. They are trained in the work. But their pay and prospects should be better and they should be better equipped to enforce prohibition effectively. There is also one opinion that prohibition should neither be enforced by the Police nor by the Excise but by a special staff called *Prohibition staff*.

28. *Result of Police enforcement of prohibition in Koraput district*—Prohibition was introduced in Koraput district on the 1st April 1956. The Excise staff enforced prohibition for the first three years. Then prohibition implementation work was made over to Police and they are doing it since the 1st April 1959. There is a volume of evidence that enforcement by Police has been slack and the situation has deteriorated. There is large scale illicit distillation and smuggling of outstill liquor from the neighbouring areas of Madhya Pradesh and Kalahandi. Even the general law and order work has suffered on account of pre-occupation of the Police in prohibition work. Further, the Police having come nearer to liquor, drinking habit has spread in the force. It will be much better if prohibition enforcement work is taken out from the hands of the Police. A few however have said that due to defect in the law (drinking not being made an offence) and due to the adjoining wet areas of Kalahandi and Madhya Pradesh, prohibition enforcement has suffered in the hands of Police.

Opium

29. *How far opium prohibition has succeeded*—The opium prohibition has been a success to some extent, but due to availability of opium in the black-market, many addicts have not given up as they are easily getting their quota. When opium is not available in the black-market certain addicts are taking boiled poppy capsule water.

30. *Effects of opium prohibition*—Prohibition of opium has benefited some addicts who have given up the habit, but the number is small due to the fact that opium habit is very difficult to give up and due to its availability addicts have not tried to give up.

31. *Supply of medicinal opium to registered addicts*—At present addicts have been registered and on medical certificates being supplied medicinal opium by the Excise Department either through departmental officers or through medical officers. This scheme has nothing bad in it. But no treatment is being given for de-addiction. But some are of the opinion that opium habit is bad and it is quite possible to give it up as the convicts who go to jail give up the habit quickly.

The present policy of abolition of licensed shops and supply of opium in very limited quantity has led to the increase in the smuggling of opium from outside.

32. *Raw opium vs. medicines containing opium*—It means the same thing whether people are allowed opium as usual to be eaten by mouth or medicines containing opium prescribed by Doctors to be consumed, orally or to be injected, to meet the demand of the habituals.

33. *Scheme for supply of medicinal opium*—Since opium habit is very difficult to give up, it will be desirable to register old addicts and supply them a very limited quantity of opium to carry them through their lives. But some are of the opinion that supply of opium should be completely stopped. Some are of the opinion that old and sickly persons above the age of 60 should be exempted from the operations of the opium prohibition, while others have stated that there should be no such exemption as these old addicts teach the children to take opium.

सत्यमेव जयते

CHAPTER IV

Analysis of the situation *vis-a-vis* the terms of reference

(A)

To examine the present arrangement for the prohibition of liquor in the districts of Cuttack, Puri, Balasore, Ganjam and Koraput and assess the extent of success of these measures in achieving the objective laid down in Article 47 of the Constitution

Working of prohibition—Prohibition has been introduced under section 19 of the Bihar and Orissa Excise Act, 1915. The relevant notification is given in Appendix C. According to this, all the country spirit, Tari, Pachwai and foreign liquor shops were abolished and possession of these articles without necessary permits required under the notification was prohibited.

Extent of success—Later on, some foreign liquor shops were licensed and permit-holders were allowed to purchase from these shops. The foreign liquor permits could be obtained only on the production of medical certificates. But medical certificates were dispensed with in 1958 and since then foreign liquor permits are being obtained only on payment of fees. There are three kinds of permits, Annual, Quarterly and Monthly with the prescribed fees of Rs. 100, Rs. 25 and Rs. 10 respectively. The Adivasis have been allowed to possess home-brewed Pachwai from rice or ragi at a time up to a limit of 8 seers undiluted or 20 seers diluted for their domestic consumption. The Orissa Rajya Talgur Samabaya Sangha have been permitted to issue licenses to tappers for tapping date-palm or palmyra-palm trees for sweet juice for the manufacture of *gur* and the sale of such sweet juice as “Neera”.

The prohibition scheme has succeeded in so far as the State has ceased to be party to the sale of intoxicants. But the scheme launched at great loss to the State revenues has not been able to achieve its objective completely due to the fact that public support was not forth coming to the desired extent. There was no programme to educate the public mind and rouse the public opinion in favour of prohibition. No follow-up action was taken except the detection of cases. As the demand for drink did not disappear with the abolition of shops illicit distillation started on a large scale, where there used to be licensed shops. On the enforcement side the only programme has been detection of offences and prosecution in the Courts. The feeble propaganda by a few ill-paid official workers, originally under the Excise Department and now under the Publicity Department, has not produced any result to gain public support or to wean away the addicts from liquor or from intoxicating drugs.

Of course, there is some evidence before us that a few liquor addicts have given up the habit. With regard to Tari it has been stated that there is considerable success.

The social stigma against drinking is not so intense as it was before. This is an important feature contributing to the spread of the drinking habit. Due to development activities of the State resulting in rapid industrialisation more money has come to the hands of the labouring classes, some of whom have taken recourse to drinking. Reports of smuggling and large-scale illicit distillation come out in the press occasionally but this is no idea of the extent of the mal-practices going on.

The objective laid down in Article 47 of the Constitution of India, we feel has not so far been achieved due to the defect in law and in its enforcement. But at the same time it should be appreciated that the State with its slender financial resources has taken a positive step to work out the programme. We are perhaps at an advantage compared to the other States where prohibition has not been introduced so far, but will have to be introduced in near future as an All-India Programme.

Difficulties in implementation of present scheme—To sum up, the general view is that the present arrangements for enforcement of prohibition programme are ineffective and have given rise to problems some of which are enumerated below :—

- (a) Propensity of a section of the public to break law with impunity;
- (b) Large-scale illicit distillation and sale of the liquor in several places, particularly in towns and industrial pockets;
- (c) The use of Ammonium Sulphate in the preparation of I. D. liquor which tends to make the drink poisonous;
- (d) Organised smuggling of liquor from the outstill shops of the neighbouring wet districts of the State and from wet areas of other States;
- (e) An organised illicit trade has established itself and a section of the public has been making huge profits by keeping *goonda* elements to suppress lawful opposition;
- (f) Corruption among the enforcement staff which is working directly against the success of the scheme.

But in spite of these the majority view is to enforce prohibition strictly by making suitable provisions to rectify the existing defects.

Prohibition desirable—After carefully considering the evidence we are of the view that consumption of alcoholic drinks and intoxicating drugs is not desirable and that prohibition is a positive social welfare scheme with two main purposes; namely, to reclaim the addicts and to shut out drink altogether from the future generation. Although many problems have arisen, we consider that such difficulties do arise at the commencement of any reform and these have to be effectively removed to make the Scheme successful.

(B)

To examine the Prohibition Act and Rules thereunder to assess how far the procedure contemplated under the Act and the Rules thereunder will help in achieving the objective laid down in Article 47 of the Constitution

Prohibition Act, amendment suggested—The Orissa Prohibition Act, 1956 received the assent of the President on the 21st February 1957, but this has not been enforced so far. The rules under the Act have also not been framed. Rules should be framed without further delay.

The following suggestions are made with regard to the Act:—

- (a) Section 4 (1) (i)—**** Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than *three months* and fine shall not be less than *rupees three hundred*.
- (b) Section 9 (1) (i) (a)—**** For the first offence with imprisonment for a term *which may extend to three months with or without fine*.
- (c) Section 10—**** Shall be punishable with imprisonment which may extend to *six months and fine which may extend to Rs. 2,000. But in no case the minimum sentence shall be below three months imprisonment and fine of rupees five hundred*.
- (d) Section 16 should be deleted since it is likely to work as a handicap and the officers may take this as an excuse for not proceeding with the enforcement work. The protection given by the ordinary law is sufficient.
- (e) Section 27—Should be deleted as this section is likely to defeat the objects of previous recommendations.

(f) Section 31 (1)—****The State Government may, by rules or an order in writing, authorise an officer to grant visitors' permits to *bona fide foreigners* to consume or use and buy foreign liquor who visit the State ****
 Sec. 31 (2) **** shall not be granted for a period exceeding one month (It is felt that a week is too small a period).

(g) Section 32 (1)—****Tourists' permits to *bona fide foreigners*—***

(h) Section 40 (a)—To be deleted.

Section 40 (c)—****Proprietors of hotels to possess liquor and issue it to foreign visitors and tourists who hold permits under sections 31 and 32 of the Act.

Section 40 (d)—To be deleted.

Section 46 (1)

Control of export, etc., of Mahua flower and molasses—****
 have in his possession any quantity of *Mahua* or molasses.

Section 46 (3)—* * * * grant permits for the transport of Mahua flower or molasses.

Section 52 (1)

Prohibition Board and Prohibition Committees—(a) Subject to the approval of the State Government there shall be a State Prohibition Board to formulate the policy and review the progress at the State level.

Section 52 (2)

(b) Prohibition Committees consisting of official and non-official members may be formed in the Districts, Subdivisions and Community Development Blocks and Grama Panchayats to educate the public and to co-operate with and assist the enforcement staff in carrying out the programme.

Administrative Committee—For proper co-ordination between the Prohibition Department and the Police Department there should be an Administrative Committee at the State level consisting of the Minister in charge of Prohibition as Chairman, the Prohibition Commissioner and the Inspector-General of Police as its members to take action for effective implementation of prohibition programme both by the Prohibition Department staff and the Police staff and to take disciplinary measures for any laches on the part of the staff of these two departments in this regard.

(C)

To assess and analyse the practical difficulties—administrative, economic, social and others which stand in the way of implementing in full and expeditiously the directive in article 47 of the Constitution and suggest the method of approach which will be realistic and will enable us to proceed towards the goal

Administrative and economic difficulties—From the very start the scheme has been fraught with administrative difficulties. It was introduced under the Excise Act. It was possession which was an offence. If the culprit was caught after having drunk the liquor there was no evidence to book him. Drinking was not made an offence. The public were not taken into confidence and practically nothing was done to educate the public and invite their co-operation. Thus with the abolition of the licensed shops, unauthorised sources of supply appeared.

Illicit distillation is an easy affair and raw materials are available in plenty. The illicit traders, to gain their ends, corrupted the enforcement staff and also kept a section of the public in their hands. We are aware that corruption in the service as also in the society is a general problem and corruption in the Prohibition Enforcement Department is no special feature. There is no evidence before us to show if some members of the enforcement staff have been sacked for taking bribe from the illicit traders. We have already mentioned that the old social stigma against drinking has gone to a great extent, so also has gone, the disdain against the liquor-trade. Hence high-caste people have also taken to this as a profession.

Nothing has been done to rehabilitate the ex-vendors, their salesmen and other people engaged in the licensed liquor trade. Hence many of them are in the illicit trade. We will recommend in the next chapter what we consider necessary to make prohibition effective.

(D)

To make recommendations regarding the desirability of extending prohibition to other districts of the State and to indicate the manner and stages in which and the agency through which the programme should be implemented

Extending prohibition to other districts—We feel that the moral and cultural traditions of our country and peaceful atmosphere of the vast majority of our homes will help the success of the scheme and taking into account, that only about 10 to 15 per cent of the population drink, we should say with confidence that prohibition enforcement can be a practical proposition.

We are of the opinion that prohibition should be extended to the wet districts as soon as possible so that by the end of the Third Five-Year Plan, i.e., the 31st March 1966 there may be complete prohibition in the whole of the State. We also very much wish that there should be complete prohibition in the whole of India. We hereby take the opportunity to make an appeal through our State Government to the Government of India, to use their good offices with the other State Governments to introduce prohibition as early as possible so that the whole country can come under a uniform programme from the 1st April 1966. We should not hesitate to state that if the programme is not broad-based and not done country-wide with sincerity, there is no chance to get any good result. We will indicate the manner and the agency through which the programme will be implemented in the next chapter.

Prohibition is a positive programme—We are in favour of prohibition but we feel that unless prohibition is introduced throughout India and throughout this State, it will produce more harm than good. We hope that this aspect of the question should be considered and effective steps should be taken in the Third Five-Year Plan and prohibition should not be treated as a negative programme. It is a positive programme and would, if properly enforced, yield definite results. The picture will be complete when the seeming void in life created by abstention from alcohol and drugs should be filled by more healthy occupations and diversions.

(E)

To examine the problem of de-addiction of opium addicts and recommend the steps necessary to achieve the same and whether any class of addicts should be exempted from this for any consideration

Opium habit difficult to give up—Thomas De-Quincey in his confessions of an English Opium eater says—

“ Amongst the most potent of anodynes we may rank hemlock; henbane, chloroform and opium. But unquestionably the three first have a most narrow field of action by comparison with opium. This, beyond all other agents made known to man, is the mightiest for its command and for the extent of its command, over pain —”; but he goes on to add that “ what I contemplated in these confessions was to emblazen the power of opium not over bodily disease and pain, but over the grander and more shadowy world of dreams.”

That was in 1856.

But even in 1961, opium appears to have the same hold on a section of the public. The fact that the United Kingdom among other Western countries is importing annually several lakhs of pounds of opium from India goes to show that opium plays an important part in the Pharmacopia.

We are aware that opium-habit is difficult to give up; even then Civil Surgeons, in charge of District Jails, who were examined by us have stated clearly that old opium addicts ordinarily give up the habit within a week or so and during this period no opium is given to them. But they are treated for the symptoms they develop. So the present scheme of opium de-addiction should be continued but definite attempts should be made by the Medical Officers to treat the opium addicts in hospitals. This is not being done and opium is only sold by Doctors. So far as we see, the intention of the present opium de-addiction scheme was that if opium is sold in hospitals, dispensaries or primary health centres, the addicts will have some chance to meet the Medical Officers and if the addicts come in contact with the Medical Officers the latter will try to treat them for de-addiction. Some doctors stated that there are two methods of de-addiction—one, the sudden withdrawal method and the other, the gradual withdrawal method. Either of the methods can be adopted depending upon the type of the addict. But it should be tried with sincerity with a view to reclaiming the addicts. For such treatment of de-addiction in hospitals, the State Government should augment the grants to the hospitals.

There is evidence that many old and sickly addicts take opium to get relief from pain; particularly those who suffer from chronic colic and asthma and some other obstinate disease.

Supply of opium to old and sickly addicts—We are inclined to recommend that only people above the age of 55, suffering from such chronic diseases and who do not respond to the ordinary course of treatment, should be medically certified for the supply of medicinal opium tablets on a card. These tablets are to be supplied by the Ghazipur Opium Factory. Until then the present system of supply of opium tablets by the Excise Department may continue. There should be no reduction of quota in these cases unless one volunteers for it, because reduction of quota for these old and ailing addicts would only drive them to the hands of illicit dealers.

CHAPTER V

Recommendations

1. *Prohibition is an important item of the Plan*—Prohibition should be regarded as an important item of the Third Five-year Plan and also of the future Plans till the goal is achieved. Since this is a continuous process there should be continuous vigilance. There must be adequate co-operation between the public and persons employed in enforcement and the tempo of work, both by the officials and by the non-officials should never decline after the first flush of the programme. Rather it should gain strength with the progress shown from time to time.

2. *A fixed date necessary*—The State Government should fix a date to enforce the Prohibition Act in order to introduce prohibition throughout the State. We recommend that 1st April 1966 may be the target date, with a phased programme commencing from 1st April 1962.

3. *Prohibition should be enforced under the Prohibition Act and not under the Excise Act*—Prohibition has been introduced in the State under section 19 of the Bihar and Orissa Excise Act, 1915. At the outset it should be confessed that enforcement of Prohibition under the Excise Act is bound to be ineffective, because the objects and reasons of the Excise Act are not total prohibition. The most it can do towards prohibition is to prevent excessive consumption of drinks and drugs.

Difficulties were also experienced in the State of Bombay by the enforcement of prohibition under the Bombay Abakari Act, 1878 and they had to enact the Bombay Prohibition Act, 1949, the preamble of which runs as follows:—

“Whereas it is expedient to amend and consolidate the law relating to the promotion and enforcement of carrying into effect the policy of Prohibition and whereas it is also necessary to amend and consolidate the Abakari law in the State of Bombay.”

Thus in this Act, prominence is given to the carrying out of the policy of prohibition which object is mentioned first.

The preamble of the Orissa Prohibition Act, 1956, runs as follows:—

“Whereas it is expedient as early as possible to bring about and extend the prohibition, except in respect of Sacramental, medicinal, scientific, industrial and such like

purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in the State of Orissa.”

This envisages the implementation of Prohibition policy.

4. *Preliminary steps*—Before the target date the following steps may be taken in the non-prohibition districts:—

- (a) Adequate arrangements should be made to give financial aid to various local bodies like Grama Panchayats, Municipalities, Notified Area Committees and other social and cultural institutions to carry on propaganda against the use of drinks and drugs.
- (b) Financial aid, literature and work-programme should be given to the abovementioned institutions so that the ground can be prepared properly before the target date.
- (c) There should be arrangement with neighbouring States for creating dry belts along the border till complete prohibition is introduced in all States.
- (d) Regulated reduction in supply of illicit liquor so that when total prohibition is enforced, it is a gradual reduction and not a sudden withdrawal. The number of days on which shops will be open should be gradually reduced.
- (e) In the districts already declared dry, the Orissa Prohibition Act may be enforced with effect from 1st April 1962.

5. *Role of public men and Government servants*—Abstinence should be made a rule of conduct for Government servants and should be incorporated as such in the Orissa Government Servants Conduct Rules. Its infringement should be severely dealt with, special attention being given to the conduct of the Prohibition Enforcement staff in this respect. It may be mentioned here that one of the reasons why prohibition failed in foreign countries was want of loyalty on the part of Government officers towards enforcement measures. The practice of abstinence by Government servants will inspire the common people. It is needless to mention that laws cannot be enforced by people who have no genuine faith in the policy.

Abstinence should also be made a rule of conduct for persons prominent such as the members and office bearers of elective bodies, like Legislatures, Municipalities, Notified Area Committees,

Panchayat Samitis and Grama Panchayats and other similar institution. When persons who are respected by the public do not show their dislike for drinking it may be difficult to persuade the common man to give it up.

6. *Tribal areas*—The Committee is quite alive to the problem regarding the tribals inhabiting the State in the matter of drinking distilled liquor or brewed liquor. There are large number of tribals spread over in several districts. On principle there should be no discrimination between the tribals and non-tribals in the matter of enforcement of Prohibition. But education has not yet spread among them and the reaction of the tribals to any interference regarding their customs may be unexpected and undesirable. We should not be blind to the fact that according to the tribal customs, offering of home-brewed Pachwai or Pendum to the tribal Gods, on ceremonial and festive occasions is in vogue and should continue till such time when the tribal population themselves wish to give up the practice. Further the Adivasis are in the habit of taking Pachwai or Pendum as a community-drink in the ordinary course. This is both food and drink for them and contains low percentage of alcohol (strong and undiluted 15 per cent to 20 per cent, diluted 5 per cent). Therefore the concession of home-brewing of Pachwai may be allowed strictly within the limit of 3 seers of undiluted or 9 seers diluted for a family of 5 persons or more. For a smaller family the limit may be fixed at 2 seers undiluted or 6 seers diluted. This limit is prescribed for domestic consumption whereas for ceremonial use larger limit may be fixed on temporary permits to be granted by the appropriate authorities on application and on payment of a prescribed fee. It is expected that there should be no abuse of this concession and the department concerned should enforce it properly. The Committee is of the opinion that there should be no concession of free distillation. The existing concession of drinking Tari, or Salap from one's own tree may be allowed to the Adivasis in Koraput district, Ganjam Agency, Phulbani and Baliguda subdivisions. This concession to Adivasis may be allowed on the clear understanding that it will be only for possession for personal consumption and not for sale. In case of sale, severe penalties should be provided in the Prohibition Act. Continuous propaganda and education is necessary with the help of tribals so that they may gradually give up their habit.

7. *Foreign liquor*—The Committee is aware of the complaint made by the public in general against the opening of foreign liquor shops in prohibition districts of Cuttack, Puri, Balasore and Ganjam and the use of such foreign liquor by the richer section of the people. Such a step has gone against the prohibition policy. The Committee therefore recommend that foreign liquor shops should be abolished.

8. *Permits*—Under the scheme of complete prohibition it will not be proper to issue permits on health-grounds. Such permits should cease with effect from 1st April 1966. In the meantime, steps should be taken to reduce the number of permit-holders and the quantity of liquor issued to them. Provision, however, may be made for the following:—

- (a) Foreign tourists and visitors and foreigners residing in this State may be allowed to have liquor privately in their homes on the basis of permits on payment of prescribed fees. The permit-holders in no case should indulge in drinking in public.
- (b) For sacramental purposes, liquor may be allowed on permits to Christians.
- (c) Small quantities of liquor and opium and its derivatives may be permitted for medical treatment of cases under proper safeguards.
- (d) Alcohol, Opium, Ganja and Bhang or their derivatives may be given in small quantities to approved persons or firms for the manufacture of medicinal preparations.

Such liquor should be made available only from stores controlled by Government. There may be cases of chronic alcoholism which will have to be treated as hospital-cases and provision should be made for them in State institutions.

9. *Industrial Alcohol*—Industrial Alcohol will be obtained through normal channels of Government for industrial purposes under strict supervision. Satisfactory formulas should be devised for making industrial alcohol non-potable, or to see that it is not available for other purposes. Suitable rules should be framed for manufacture, storage, transport and disposal of industrial alcohol.

ENFORCEMENT

10. *Public opinion must be behind the law*—As mentioned before, prohibition should be enforced under the Prohibition Act which should be strict from every point of view. But unless the law is backed by active support of the people, enforcement is likely to weaken. It is very important that the public should accept Prohibition as a good social measure, rise up to the occasion and give all possible assistance and support to the enforcement staff to root out the evil of drink and drug. Enthusiasm for a while in support of Prohibition

will not be enough to wean away the consumers and see them lead a life of abstinence. While the law will lead to the abolition of licensed shops and the State having no financial interest in the liquor or drug trade, continued public support in favour of prohibition will alter the situation and the goal will be achieved. It is essential that popular will is gained in favour of prohibition and the more intense the will the better is the chance for its success.

11. *Role of the Press*—The Press has an important role in creating public opinion. If they co-operate in creating a climate of public opinion in favour of prohibition and against the use of intoxicants it will go a long way in ensuring the success of the programme. The Committee is confident that the Press will fully co-operate in this matter.

12. *The wings of enforcement*—Enforcement should proceed on two definite lines educative and preventive, legal and administrative. These two arms of enforcement should be properly co-ordinated. So long only detection of some offences and punishment in these cases have been the only work done regarding the prohibition enforcement, but stress and prominence should be given to the educative and preventive aspects of enforcement. We have ample evidence that nothing has been done so far in this respect. That is why in the dry districts, prohibition has been the concern only of the enforcement staff whether Excise or Police. The Committee recommend that such propaganda should be part of the social education in the Block Development Programme.

13. *Prohibition Board and Prohibition Committees*—There should be a Prohibition Board at the State level consisting of representatives of both the wings of enforcement. The Minister in charge of Prohibition will be the Chairman of the Board and the Prohibition Commissioner its Secretary. It may be desirable to include the Director of Health, Development Commissioner, the Inspector-General of Police as members. Each Prohibition district should be represented in the Board. The Board will meet regularly and frequently to consider the policy and review the progress. It will also be necessary to establish Prohibition Committee in each district and subdivisions. Such Committees should also be formed in Grama Panchayats. District and Subdivisional Committees should consist of officials and non-officials drawn from both the enforcement wings and it is desirable that representatives of Zilla Parishads and Panchayat Samitis should be associated with these Committees. The Chairman of the District Committee shall be the District Magistrate and the Prohibition Superintendent shall be its Secretary. In the Subdivisional Committee the Subdivisional Officer shall be the Chairman and the Inspector, Prohibition shall be its Secretary. We

strongly advise that Prohibition Board and the Prohibition Committees should not consist of a large number of members. It is the common experience that the small committees function better than committees with large number of members. The District Committees and the other committees will review the work from time to time and chalk out the programme to be followed both on the educative side and on the administrative side.

14. *Enforcement staff*—There should be a separate Prohibition staff controlled by the Prohibition Commissioner as provided in the Prohibition Act. The recruitment of the staff should be made as in the case of the Police and they should receive similar training with a view to inculcate discipline. They should also be trained in the art of propaganda in favour of Prohibition. They should have the same scale of pay and prospects as the Police. Till sufficient personnel of the Prohibition staff are recruited, there may be deputation from the Police Department to the Prohibition Department and such deputation should not be for less than five years.

There is provision in the Prohibition Act to invest the Police with powers under that Act. For proper co-ordination between the Prohibition staff and the Police staff, we have already suggested for an Administrative Committee consisting of the Minister in-charge as its Chairman and the Prohibition Commissioner and the Inspector-General of Police as its members to look into the effective enforcement of prohibition by co-ordinating the work of both the staff in this respect and to take appropriate action for the due performance of duty by both the staff in this regard.

15. *Mobile squads*—Mobile squads of enforcement staff may be organised for attacking sources of illicit supply of liquor and drugs, and the squads should be provided with motor vehicles to make their work quick and effective.

16. *Amendments to Prohibition Act*—(a) All offences connected with illicit distillation and smuggling of liquor or drug or sale thereof and cultivation of hemp plant should be made non-bailable.

(b) Punishments in connection with non-bailable offences should be made deterrent and a minimum punishment may be provided in such cases. There should be summary trials for Prohibition offences other than the non-bailable offences mentioned above. It is therefore suggested that sections 4 (1) (i), 9 (1) (a) and (b) and section 10 of the Orissa Prohibition Act, 1956, may be amended.

The Committee is of the opinion that keepers of dens and drinking houses are at the root of the evil and take the lion's share of the profit and should therefore be dealt with harshly.

The general opinion is that due to delay in the disposal of Prohibition cases enforcement has suffered. It is therefore recommended that there should be Mobile Courts specially in urban areas for booking the offenders quickly and for prompt disposal of cases.

17. *Combating illicit distillation*—It has come to the notice of the Committee that large scale illicit distillation is going on in jungles and open but inaccessible places to avoid detection and to make it difficult for the prosecution to prove ownership and also to make good the escape at the sight of the raiding party. There is also much evidence that sulphate of ammonia is being added to wash to quicken fermentation and in the process it is likely that a portion of sulphate of ammonia gets into the liquor. It is therefore very necessary that frequent raids of all these places should be made to strike at the roots of illicit distillation. Even if no person is booked during the raids of open places, it will be advantageous to destroy large number of illicit distillation apparatus together with large quantities of wash and other materials. This will go a long way to cripple the distillers financially. Sufficient incentive should be given to Grama Panchayats or to individuals who help in preventing and reporting illicit distillation.

18. *Education and Propaganda*—Effective public opinion against the use of intoxicants is a pre-requisite condition for the success of prohibition. Therefore the efforts for intensive education and propaganda should be given due attention. Prohibition as a national policy must be instilled in the minds of younger generation from early school days by prescribing suitable lessons in the textbooks. Substantial remuneration may be given and prizes awarded for writing articles, songs, pamphlets and small book-lets on prohibition.

19. *Control of Mahua flower and molasses*—We have dealt with this while suggesting amendments to the Prohibition Act. Plenty of Mahua flower is produced in many districts of the State and it is a money-crop for the local people. Mahua flower is suitable for distillation due to its sugar contents. In some part of the State fermented liquor from Mahua flower is also consumed. According to the Technical Excise Manual, Mahua flower has 57 per cent of the total sugars. It is also used as food and fodder but mainly used for distillation whether in licensed distilleries or illicitly.

It is therefore of the utmost importance that the Government should make adequate arrangements for the proper disposal of Mahua flower as food or fodder or as a base material for the production of power alcohol or industrial alcohol. It has been said that the cost of production is more if high grade-spirit is produced from Mahua

flower. It is for the chemists and technicians to find out a cheaper method how power alcohol or industrial alcohol can be obtained from Mahua flower. It will be appropriate if the State Government has a monopoly of Mahua trade and obtain these from the gatherers to sell these in coastal areas and outside the State for the purpose of food or fodder.

With regard to molasses, sugar factories should convert it into industrial alcohol under the control of Government for supplying to the industry. We are confident that if Mahua flower and molasses, the chief base materials for illicit distillation, are properly disposed of, there will be little scope for their misuse and it would go a long way to make the Prohibition programme fruitful.

The misuse of ammonia sulphate for illicit distillation can be prevented if bone-meal is mixed with ammonia sulphate before it is supplied to consumers. This aspect must be investigated by the authorities concerned.

20. *Financial aspects*—The Excise Revenue is still a big source, but with the introduction of prohibition throughout the State, the source will dry up and there may be more expense on the enforcement side, because in place of the work now done by the Excise staff, various new types of work will have to be performed both by the Prohibition Department and by the public institutions which will require financial assistance from the Government. The financial picture should take into account not only the loss of revenue but also the increased expenditure required for an adequate enforcement staff and propaganda and educative programme. It was reported in the Press that the Union Government is agreeable to meet 50 per cent of the loss to State revenue on account of prohibition, but this will not be enough. Since Orissa is a State with comparatively smaller resources, the Centre should be requested to meet the whole loss, in which case, extending prohibition to the wet districts, will not be a headache as a financial problem and prohibition can be implemented properly.

21. *Prohibition to be broad-based*—It has already been mentioned in the fourth chapter that prohibition to be successful, should be broad-based and should not only be extended to the wet districts of the State but should also be enforced throughout the country as an **ALL-INDIA PROGRAMME**. This is not only desirable on principle but also absolutely necessary from the practical point of view. We wish to emphasize that unless prohibition is enforced sincerely and rigidly throughout India it will do more harm than good as has been the case with the present scheme.

ACKNOWLEDGMENTS

We are grateful to all individuals and associations who assisted us by tendering oral evidence and by giving replies to the questionnaire. The Collectors of the Districts, we visited, rendered valuable help by their own evidence and by assisting us to conduct the enquiry smoothly.

We should like to place on record our appreciation of the work done by Shri B. Sivaraman, I.C.S., the then Member, Board of Revenue, as a Member of the Committee. The Committee places on record its appreciation of the valuable help ungrudgingly given by Shri B. N. Hota, M.A., Deputy Commissioner of Excise as the Secretary without which the work of the Committee would have been very difficult. We also wish to thank the Members of the staff attached to the Committee.

CUTTACK

The 9th December 1961

P. K. PARIJA

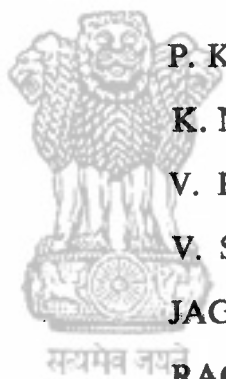
K. N. MISRA

V. RAMANATHAN

V. SITARAMAYA

JAGANNATH RAO

RAGHUNATH PATNAIK



APPENDIX A

QUESTIONNAIRE

A. LIQUOR

1. Prohibition of consumption of liquor, Toddy, Pachwai and such drink has been advocated in the past on the ground that this is necessary to prevent economic deterioration of the lower economic classes who are tempted to waste their earnings on drink to the detriment of maintenance of their families. There is also another school of thought that morally prohibition is desirable. The directive in Article 47 of the Constitution says that the State shall endeavour to bring about prohibition of consumption except for medicinal purposes of intoxicating drinks which are injurious to health.

(1) What is your reason for advocating prohibition of consumption of intoxicating drinks?

(2) There is a view that medically the Toddy, Solopo and such drinks with low alcoholic contents are not injurious to health unless taken in large quantities and frequently. Do you agree, and if so what are your reasons? If not, what is your specific view on the subject?

(3) There is view that intoxicating drinks of various kinds are injurious to health mainly if taken in quantities and too frequently, and it is the rate of incidence of the drink that is injurious and not the drink itself. Do you agree, and if so, what are your reasons? If not, what is your specific view on this subject?

(4) There is a view that intoxicating drinks like Port Wine, Toddy and Solopo are required in certain health conditions medically and are beneficial. Do you agree, and if so, what are your views? If not, what is your view on this subject?

(5) Do you agree that prohibition of consumption of intoxicating drinks shall be carried out according to the objective in the directive in Article 47 of the Constitution? Do you agree that total prohibition of intoxicating drinks is necessary for this objective? If not, what are your views on the subject?

2. The present prohibition scheme enforced in the five districts of Cuttack, Puri, Balasore, Ganjam and Koraput comprises of the following essentials :—

(a) Closing of all liquor, Toddy and Pachwai shops in these districts

(b) Prohibiting under the Excise Act possession of any liquor, Toddy or Pachwai.

(c) Propaganda for prohibition through the non-official publicity workers

In your opinion—

(1) How far has this method led to the objective of prohibition of consumption of liquor, Toddy or Pachwai in these areas?

(2) What are the difficulties in the system which needs remedy?

(3) In your view is the present policy in a line with the directive in Article 47 of the Constitution or in excess of or not in consonance with the directive? Give your reasons.

(4) On the basis of your information and experience do you suggest—

- (a) the continuance of the present scheme ?
- (b) any change in the scheme to make it workable in accordance with the broad objectives and policy underlying the scheme ? Give reasons.
- (c) Do you think the propaganda for prohibition through the non-official public workers is adequate and effective ? If not, what suggestions can you make for making it adequate and effective ?

3. The Orissa Prohibition Act, 1956 provides for the following essentials :—

- (a) Prohibition of manufacture, transport, sale, purchase or consumption of liquor and intoxicating drugs.
- (b) Prohibition of possession of any apparatus which can be used for the manufacture of liquor or intoxicating drugs.
- (c) Where a *pri ma facie* case of any of the offences mentioned above has been made out against a person, the burden of proving that he is innocent will be on that person.
- (d) An offence committed in any person's premises shall be presumed to be with his connivance unless the contrary is proved by that person.
- (e) Dissemination of any advertisement or offer or of incitement to consume liquor or intoxicating drugs is an offence.

In your opinion—

- (1) Will the provisions of this Act be enough to enforce prohibition ?
- (2) Would you agree that this Act should be enforced strictly in the prohibition districts of Orissa and the result watched ?
- (3) In your view is the policy laid down in the Orissa Prohibition Act in a line with the directive in Article 47 of the Constitution or in excess of or not in consonance with the directive ? Give your reasons.

4. Maximum Revenue and Minimum Consumption is a policy advocated for reaching the goal of prohibition as intended in Article 47 of the Constitution. Do you agree that this is a possible or a workable policy and which can achieve the objective in the near future ?

5. Section 16 of the Orissa Prohibition Act reads as follows :—

“16. Any officer exercising powers under this Act or under the Rules made thereunder who—

- (a) without reasonable grounds of suspicion searches or causes to be searched any place, conveyance or vessel,
- (b) vexatiously and unnecessarily detains, searches or arrests any person,
- (c) vexatiously and unnecessarily seizes the movable property of any person on pretence of seizing or searching for any article liable to confiscation under this Act,

- (d) commits, as such officer, any other act to the injury of any person, without having reason to believe that such act is required for the execution of this duty.

shall, for every such offence, be punishable with fine which may extend to two thousand rupees."

It is said that this provision will effectively prevent strong administrative action to enforce prohibition and will make the rest of the Act ineffective. Do you agree? If not, why not?

6. There is a volume of public opinion that prohibition cannot be made a success without effective non-official social work and complete prohibition of liquor and intoxicating drugs shall await sufficient effective work by broad-based social organisations in the field. Do you agree? If so, do you think that social work has been sufficiently wide-spread and such social organisations already exist and are doing effective work? Do you think Grama Pachayats can be developed into such social organisations? Are there any such social organisations in your area and are they doing effective work? If you do not agree, are you of the view that legislation and a strong administration should be able to deliver the goods?

7. There is a volume of public opinion that amongst communities who have to undertake hard labour and specially arduous labour like being in water for long periods, like the Nolias of the coastal areas, it will be an impossibility to prevent consumption of liquor, as it is required by such communities to give some relief from the effects of the arduous labour. Do you agree? If not, have you any experience to the contrary?

8. In administratively enforcing the prohibition scheme, the following difficulties have been raised :—

- (a) Liquor production is so simple and quick and can be done in a restricted space that it is very difficult to check the sources of production.
- (b) Liquor transport is done through lepers, juveniles and women making it difficult to bring the full force of the law on the delinquents.
- (c) Public co-operation in detection is substantially lacking.
- (d) The habit of consumption is so wide-spread that without a vast organisation it will not be possible to tackle even a fraction of the mischief.

Do you agree that any or all of these difficulties exist? If so, how would you attack the problems raised so as to make prohibition effective?

9. (1) It is said that an illicit liquor-trade or an illicit opium-trade is so profitable because of the large clientele still existing, that it gives large scope for corrupting the lower levels of any enforcement organisation. Do you agree? If so, how would you tackle this basic problem of ill-gotten wealth affecting enforcement of law? If not, on what ground do you disagree?

(2) How far do you think that public opinion is helpful in combating the illicit trade?

(3) Have you any information as to the class or classes of people who are directly or indirectly at the back of this trade?

10. (1) Is it your experience that after the enforcement of prohibition the consumption of liquor, Toddy, Pachwai or opium has gone down in your area or amongst any class of people in your area, and if so, to what extent? If not, what are in your opinion the reasons for the increase or maintenance of the consumption levels? Can you give any figures in support of your view?

(2) Has the economic condition of the people previously used to drink improved in your area after introduction of prohibition ?

11. One of the main arguments in favour of prohibition was to prevent the people of low economic levels wasting their earnings on drink to the detriment of maintenance of their families. With the increase in the standards of earning at lower levels, do you think that the economic urge for prohibition and the economic justification for prohibition is as strong as it was in the past ?

12. It is said that even the type of prohibition scheme now in operation has effectively stopped consumption of liquor, Toddy and Pachwai amongst certain classes of the rural population previously addicted to drink and to this extent the programme is a success. Do you agree ? What are such classes in your area who have benefited and to what extent ?

13. It is said that the illicit trade in liquor and intoxicating drugs is building up a vast organisation of law-breakers that unless this organisation is first up-rooted from the field the future for either prohibition or observance of law is bleak. Do you agree ? If not, do you think the observation exaggerated ?

14. It is said that control of liquor supply under the Excise Act is a necessary step towards prohibition and till the public opinion is sufficiently built up towards prohibition, it will be dangerous to avoid controlled supply and throw open the field to the illicit trade. Do you agree ? If so, what would be your views as to the method of controlled supply for the interim period ? If you do not agree, how do you think this problem should be tackled ?

15. It is said that women are always in favour of a prohibition programme. Is this correct to the best of your experience ?

16. The Adivasis in the State have been given the freedom to brew and possess Pachwai up to 8 seers undiluted and 20 seers diluted. The Khonds and Savaras of Ganjam and part of Phulbani and Koraput have freedom to distill liquor for their own consumption. Do you think that this freedom to Adivasis is justified on the ground of—

(a) custom, and

(b) public policy ?

Do you think that this concession should be continued or curtailed, and if so, for what reasons ?

17. Have you any experience of the effect of consumption of intoxicating drinks on industrial and mining labour in general or in any particular sector ? If so, in your opinion is it detrimental to the interest of the labour on—

(a) economic grounds,

(b) moral grounds, and

(c) health grounds, and

if on all or any of the above grounds, the extent of the incidence of disability on labour in general or in the sector within your knowledge ?

18. (1) How far has the prohibition of tapping of Toddy in the prohibition districts been successful ?

(2) Has the Talgud Samiti been able to organise and rehabilitate the tappers in the manufacture of Talgud products ? If not, how do you think the situation can be improved ?

(3) Is there any abuse of Nira in the—

(a) urban, and

(b) rural areas ?

(4) In the case of abuse what remedial measures you suggest for putting a stop to the mal-practice ?

19. Under the present system of jurisprudence the evidence of the prohibition staff in prohibition cases, unless strongly corroborated, is not taken as of much evidentiary value. It is said that unless the evidence of the prohibition staff is given full value even without corroboration, it will be difficult to enforce prohibition. Do you agree ? If so, would you advocate, if necessary, the amendment of the Evidence Act to make the evidence effective ? If you do not agree, please give your reasons.

20. The law provides for heavy sentences in prohibition cases. Are you satisfied that the sentences generally given are in consonance with the severity of the offence as contemplated by the law ? If not, can you give any example ?

21. Are you for or against prohibition of consumption of foreign liquor ? Give your reasons.

22. Are you of the view that prohibition should be extended to the non-prohibition districts straightway, or do you think this should wait the experience of a stricter prohibition programme in the prohibition districts ?

23. The cost of enforcing a prohibition programme will be large. In addition the State will be losing the former revenue from Excise. What in your opinion will be the scale of expenditure required under the present conditions to enforce a prohibition programme ? What sources would you suggest for tapping for funds for this programme and to make up the loss of revenue ?

24. It is said that human nature being what it is, with the rising of standards of living at lower levels and increase in employment potential at lower levels, prohibition of consumption of liquor and intoxicating drugs will not be effective unless suitable counter-attractions are provided on a very large scale. Do you agree ? If so, what are the types of counter-attractions that you would advocate ? Will it be the responsibility of the public or the private sector to provide these counter-attractions ? If you agree that counter-attractions are not necessary, can you support your view with concrete facts ?

25. (1) It is said that the liquor and Toddy trade had been the main source of livelihood to a class of population and the prohibition programme has so far not effectively provided any alternative employment to the persons thrown out of employment by the prohibition policy. Is this correct ?

(2) In your experience what are the alternative sources of employment such people have obtained for themselves in your experience ?

(3) If alternative employment has not yet been provided, do you think a specific programme of provision of employment should be taken up, and if so, what type of employment would you suggest and through what organisations ?

(4) It is also said that till such people are provided with alternative employment, illicit trade will persist. Do you agree ?

(5) It is also said by others that even with other alternative employment the scope of profits in the illicit trade is such that such experienced persons will persist in the trade to the detriment of a prohibition policy. Do you agree ?

26. There is a volume of public opinion that the desire to enforce the directive of Article 47 of the Constitution is not reflected substantially in the behaviour of the people in the higher walks of life thereby making it difficult for the average man to accept the policy as a national one. Do you think this criticism is legitimate ?

27. It is said that the old Excise staff should not be engaged for prohibition work, as the nature of work is completely opposed to the work to which they were trained. On the other hand, it is said that the Excise staff being in the know of the problem of distillation and having been trained for controlling drinking are in the best position to control drinking. Which view do you support and for what reasons ?

28. The prohibition work in the Koraput district has been handed over to the Police authorities from April 1959. What is your experience of the administration ? Do you think it has been more or less useful than the Excise staff in administering the policy of prohibition ?

B. OPIUM

29. (a) How far has prohibition of opium from the 1st April 1959 achieved the desired objective of eliminating or reducing the drug evil ?

(b) What in your experience is the approximate percentage of old addicts who are still consuming opium ?

30. Has prohibition resulted in any improvement in the economic, social, health and moral condition of the opium addicts ?

31. (a) Habitual addicts only are now allowed medicinal opium on the strength of medical certificates. What is your opinion on the working of this policy ?

(b) Do you think that this policy has led to the giving up of opium habit by the old addicts ? If not, what are the reasons ?

(c) Do you think that the present policy has led to a large scale increase in smuggling of opium and to the consumption of other habit-forming drugs ? If so, what reasons would you ascribe to such evil practices ?

32. It has been said that the United Kingdom imported 4.5 lakh pounds of opium in 1956-57 from India alone, presumably for medicinal purposes. Do you think that by allowing opium for medicinal purposes we shall also be introducing opium consumption in a similar larger scale thereby neutralising the prohibition aspect ?

33. (a) In case you consider that it is not desirable to completely prohibit opium, what alternative method would you suggest for supply of opium to the old addicts ?

(b) Do you think that the State Government should take up the manufacture and supply of opium-based medicines through its own organisations or through private agencies as a measure of Excise control ?

(c) Are you in favour of exempting any age-group from the de-addiction scheme in respect of opium ? If so, what are your specific recommendations ?

APPENDIX B

List of persons who furnished replies to the questionnaire.**M. P. & M. L. As.**

1. Shri N. C. Samantasinghar, M. P.
2. Shri Janardan Bhanj Deo, M. L. A.
3. Shri Narsingh Patra, M. L. A.
4. Shri Kishore Chandra Deo, M. L. A.
5. Shri Ghasiram Majhi, M. L. A.
6. Shri H. C. Naik, M. L. A.
7. Shri Narayan Sahu, M. L. A., Ganjam
8. Shri Laxman Goud, M. L. A., Koraput
9. Shri Harihar Mishra, M. L. A.
10. Shri Rama Bhoya, M. L. A., Parlakimedi
11. Shri M. Guru, M. L. A., Koraput
12. Shri H. R. Khan, M. L. A.
13. Shri Dandapani Das, M. L. A.

OFFICERS

14. Additional District Magistrate, Mayurbhanj
15. Additional District Magistrate, Bolangir
16. Collector, Kalahandi
17. Deputy Commissioner, Khondamal-Phulbani
18. Additional District Magistrate, Dhenkanal
19. Collector, Koraput
20. Additional District Magistrate, Cuttack
21. Collector, Ganjam
22. Inspector-General of Police, Orissa
23. Superintendent of Police, Koraput
24. Deputy Secretary to Government, Tribal & Rural Welfare Department
25. Superintendent of Police, Cuttack

DOCTORS

26. Shri Abhinna Chandra Rao, Cuttack
27. Superintendent, Medical Aid to Women, Children, Orissa, Bhubaneswar
28. Shri D. B. Mishra, Secretary-cum-State Palm Gur Organiser

LAWYERS

29. Shri G. Singh, Income Tax Practitioner
30. Shri Sonaram Soren, Advocate, Baripada
31. Shri N. K. Chandra, Lawyer, Bhadrak
32. Secretary, Karanjia Bar Association

SARPANCHES

33. Sarpanch, Karanjia
34. Sarpanch, Patrapur
35. Sarpanch, Badadumbula
36. Sarpanch, Rajnagar
37. Sarpanch, Fashimal G. P.
38. Sarpanch, Similigura
39. Sarpanch, Badapal
40. Sarpanch, Routpara
41. Sarpanch, Kunduli
42. Sarpanch, Udala
43. Sarpanch, Tentulikhunti
44. Sarpanch, Sagar Grama Panchayat
45. Sarpanch, Itipur Grama Panchayat
46. Sarpanch, Alanda Grama Panchayat
47. Sarpanch, Chhatia Grama Panchayat, Cuttack
48. Sarpanch, Biranarsinghpur Grama Panchayat, Puri
49. Sarpanch, Balipara, Puri
50. Sarpanch, Sonarpur, Puri



51. Sarpanch, Nijigara, Dhenkanal
52. Sarpanch, Patrapali, Dhenkanal
53. Sarpanch, Narhari Grama Panchayat
54. Sarpanch, Kalipatri
55. Sarpanch, Goutamai Grama Panchayat
56. Sarpanch, Kuhudi Grama Panchayat
57. Sarpanch, Bhapur Grama Panchayat, Dhenkanal
58. Sarpanch, Bhania Grama Panchayat
59. Sarpanch, Ambadola Grama Panchayat, Koraput
60. Sarpanch, Champi Grama Panchayat, Koraput
61. Sarpanch, Chandrasekhar Grama Panchayat
62. Sarpanch, Gadahaladia Grama Panchayat, Puri
63. Sarpanch, Digpahandi Grama Panchayat, Ganjam
64. Sarpanch, Nilakantha Grama Panchayat
65. Sarpanch, Artal Grama Panchayat, Balasore
66. Sarpanch, Alana Grama Panchayat, Cuttack
67. Sarpanch, Bakuhat Grama Panchayat, Puri
68. Sarpanch, Tara Grama Panchayat, Keonjhar
69. Sarpanch, Rajsunakhala
70. Sarpanch, Singpur Grama Panchayat, Ganjam
71. Secretary, Amarada Road, Balasore
72. Sarpanch, Mangalpur Grama Panchayat, Balasore
73. Sarpanch, Tulasipur Grama Panchayat, Puri
74. Sarpanch, Baradiha, Cuttack
75. Sarpanch, Turuguri Grama Panchayat
76. Sarpanch, Tutulkhandi
77. Sarpanch, Banki Town
78. Sarpanch, Malkangiri Grama Panchayat
79. Sarpanch, Basudebpur Grama Panchayat

80. Sarpanch, Grama Panchayat, Nettang
81. Sarpanch, Ramachandrapur, Kisku, Rasgobindpur
82. Sarpanch, Bahalapasi Grama Panchayat
83. Sarpanch, Gopalpur Grama Panchayat
84. Sarpanch, Gopinathpur Grama Panchayat
85. Sarpanch, Matiali Grama Panchayat, Balasore
86. Sarpanch, Badakusathali, Ganjam
87. Sarpanch, Kurula Grama Panchayat, Ganjam
88. Sarpanch, Gopalpur Grama Panchayat
89. Sarpanch, Praharajpur Grama Panchayat


PUBLIC PERSONS/INSTITUTIONS

90. Utkal Sarbodaya Mandal
91. Managing Director, Orissa Ceramic Industries Ltd.
92. Pallipathagar, Matha Sahi
93. Chairman, Balasore Municipality
94. Shri D. Das, I. P. S. (Retd.), General Secretary, Orissa Retired Officers' Association, Cuttack.
95. Shri Bipin Behari Ray, retired Professor
96. Editor, Grama Mangal Society
97. Shri S. Mahanti, Bhubaneswar
98. Secretary, Excise Association, Orissa
99. Secretary, Kasturaba Nari Kalyan Samiti, Cuttack
100. Women's Welfare Centre, Ganjam
101. Secretary, Berhampur Chamber of Commerce
102. Mrs. S. Naik, Municipal Councillor, Sambalpur
103. Dr. S. C. Das, M.A., LL.B., Reader, Ravenshaw College
104. Shri R. K. Das, ex-Distiller, Jeypore
105. Shri N. Sahu, Hillpatna, Berhampur
106. Shri G. Behera, General Secretary, Angul Jubak Sangh
107. Secretary, Jharkhanda Party

APPENDIX C

List of persons who tendered evidence before the Committee

CUTTACK

1. Superintendent of Police, Koraput
 2. Collector, Koraput
 3. Collector, Cuttack
 4. Collector, Ganjam
 5. Superintendent of Excise, Ganjam
 6. Superintendent of Excise, Dhenkanal
 7. Commissioner of Excise, Orissa
 8. Superintendent of Excise, Sundargarh
 9. Superintendent of Excise, Puri
 10. Joint Director of Health
 11. Inspector-General of Police, Orissa
 12. Director of Health, Orissa
- 
- BERHAMPUR
13. Shri S. C. Mahapatra
 14. Chairman, Berhampur Municipality
 15. President, Bar Association
 16. Secretary, Bar Association
 17. Shri P. V. N. Rao, President, Chamber of Commerce
 18. Civil Surgeon, Berhampur
 19. Shri B. C. Das, Raisahib
 20. Sarpanch, Golanthara
 21. Sarpanch, Surala
 22. Sarpanch, Chemakendi
 23. Shri Narsingh Sahu
 24. Sarpanch, Sonapur

25. Sarpanch, Gopalpur
26. Sarpanch, Sindripur
27. Sarpanch, Chikalkhandi
28. Secretary, Chamber of Commerce
29. Mr. F. Alvaris

PURI

30. Collector, Puri
31. Shri Harihar Bahinipati
32. Shri Gangadhar Mohapatra
33. Civil Surgeon, Puri
34. Sarpanch, Biranarasinghpur, Puri
35. Sarpanch, Nimapara
36. Shri A. Narayana
37. Shri Jagannath Misra
38. Shri Dwarikanath Das
39. Shri Lokanath Misra (Advocate)
40. Sarpanch, Popranga
41. Shri Kamaya
42. Sarpanch, Pipili
43. Shri Lokanath Misra (Kabiraj)
44. Sarpanch, Haripur
45. Shri Satyabadi Nanda

CUTTACK

46. Shri B. N. Das, M. P.
47. Dr. Abhinna Rao
48. Shri S. Mishra, Member, Servants of India Society
49. Civil Surgeon, Cuttack
50. Shri M. Yushuf
51. The Editor, Kalinga

52. Superintendent of Police, Cuttack
53. Sk. Kifayattulla, Cuttack
54. Shri Naba Sethi, Cuttack
55. Shri Madan Mohan Panda, Mahala Committee, Cuttack

BARIPADA

56. Shri R. G. Das, (Retd.) District Magistrate
57. District Magistrate, Baripada
58. Civil Surgeon, Mayurbhanj
59. Shri Sonaram Soren
60. Shri Bhabatosh Das, Journalist
61. Shri Harihar Mohanty
62. Chairman, Baripada Municipality
63. Sarpanch, Chitrada
64. Shri Bhabani Prasad Mohanty
65. Shri Benudhar Mohanta, B. L.

BALASORE

66. Shri Rabindramohan Das, M. L. A.
67. Chairman, Balasore Municipality
68. Sarpanch, Charampa
69. Shri Nilambar Das
70. Shri Karunakar Panigrahi
71. Shri B. Das, Collector
72. Civil Surgeon, Balasore
73. Subdivisional Officer, Bhadrak

DHENKANAL

74. Shri Jadumani Sahu, Sarpanch, Rasol
75. Sarpanch, Gondia
76. Shrimati Susila Jee, Chairman, District Project Implementation Committee, Dhenkanal.

77. Chairman, Municipality
78. Civil Surgeon, Dhenkanal
79. Collector, Dhenkanal
80. Shri A. C. Ray, Dhenkanal
81. Shri A. C. Mishra, Government Pleader, Dhenkanal
82. Shri D. Tripathy, President, Bar Association, Dhenkanal
83. Shri L. Nanda, Dhenkanal
84. Shri B. K. Dhal, Dhenkanal

ANGUL

85. Shri Mahesh Chandra Pradhan
86. Sarpanch, Balipeta
87. Shri N. Naik, M. L. A., Angul
88. Subdivisional Officer, Angul

JEYPORE

89. Shri Bidyadhar Singh Deo
90. Shri Harijan Miru, M. L. A.
91. Sarpanch, Mathili
92. Chairman, Panchayat Samiti
93. Vice-Chairman, Panchayat Samiti
94. Shri Sadasiva Naik, Pleader
95. Shri Ganeswar Mohapatra
96. Shri Makardhwaja Patnaik
97. Shri Lachhman Naik
98. Shri Ratnakar Mohapatra
99. Shri Markanda Mohapatra
100. Shri Madhusudan Bisoi
101. Sarpanch, Damarsingh
102. Shri Rajendra Dandasena
103. Shri M. Dutta
104. Shri K. Nanda

KORAPUT

105. Collector, Koraput
106. Civil Surgeon, Koraput
107. Chairman, Zilla Parishad
108. Shri Masuri Sant Pangi, M. L. A.
109. Sarpanch, Nandapur
110. Sarpanch, Laxmipur
111. Sarpanch, Simuliguda
112. Shri Biswanath Patnaik
113. Shri Madan Mohan Sahu

RAYAGADA

114. Shri K. Mandangi, M. L. A.
115. Shri Sannyasi Charan Pidikaka
116. Sarpanch, Kamtolpetta
117. R. D. O., Rayagada
118. Chairman, N. A. C., Rayagada
119. Shri Narasingh Patra, M. L. A.
120. President, Bar Association

APPENDIX D

GOVERNMENT OF ORISSA

REVENUE (EXCISE) DEPARTMENT

NOTIFICATION

The 13th March 1956

No. 618-Ex.—In exercise of the powers conferred by sub-section (4) of section 19 of the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act II of 1915) and in supersession of all other notifications issued on the subject, the State Government do hereby prohibit with effect from the first day of April 1956, the possession by all persons in the whole of the districts of Cuttack/Narsinghpur, Puri Nayagarh, Balasore/Nilgiri, Ganjam and Koraput (hereinafter called the prohibited area) of any intoxicant specified in the first column of the schedule hereto annexed subject to the following conditions, namely:—

- (a) any of the intoxicants specified in the first column of the said schedule may be possessed for sacramental purposes subject to the maximum quantity mentioned against each in the second column thereof ;
- (b) any person within the prohibited area may possess foreign liquor (including India-made foreign liquor) in accordance with the permission issued by the Excise Commissioner of such description in such quantities and for such purposes and under such conditions as he may provide in the permit;

Provided that nothing herein shall be applicable to the scheduled tribes in the above districts where such tribes enjoy the concession of free home-brewing.

SCHEDULE

- | | |
|-------------------------------|---|
| 1. Wines, spirits and beer .. | Nil, except (i) in case of sacramental wine at the time of a Christian festival where such sacramental wine is customarily used four bottles of 26 2/3 oz; (ii) the military officers stationed at Chandipur and Municipal area of Balasore to purchase from any licensee in or outside the State ; and (iii) one bottle of 26 2/3 oz. of brandy by a qualified licensed chemist or medical practitioner for medicinal purpose only under license granted by the Collector. |
| 2. Tari .. | Nil |
| 3. Country spirit .. | Nil, for all persons except the licensee who may possess such quantity as may be specified in the pass granted by the Collector for the purpose of transporting it to a non-prohibited area from another non-prohibited area. |

By order of the Governor

V. RAMANATHAN

Additional Secretary to Government

BOARD OF REVENUE

NOTIFICATION

The 6th February 1960

No. 340—XXX-12/60-Ex.—In exercise of the powers conferred by section 5 of the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act II of 1915), and in supersession of Notification No. 3491—VIII-45/49-Ex., dated the 11th October 1949, No. 4140—VIII-45/59-Ex., dated the 7th September 1949, No. 1638-Ex., dated the 2nd May 1950 and in partial modification of Notification No. 3390—VIII-30/52-Ex., dated the 22nd October 1952, the Board of Revenue, Orissa, direct that the following amendments shall be made in the entry against “Pachwai” in paragraph I of the Board’s (Revenue Commissioner’s) Notification No. 3295-Ex., dated the 21st June 1937, published at pages 503—506, Part III of the *Orissa Gazette* of the 1st October 1937, namely:—

Substitute the following entry against “Pachwai”:—

Name of intoxicant	Locality	Limit of possession
Pachwai	.. Throughout the State	Diluted 20 seers Undiluted 8 seers



B. SIVARAMAN

Member, Board of Revenue